MULTIMEDIA UNIVERSITY

STUDENT ID NO

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# MULTIMEDIA UNIVERSITY

# FINAL EXAMINATION

**TRIMESTER 2, 2015/2016**

## TCL2501 – CYBER LAW ON E-COMMERCE

( All sections / Groups )

3 MARCH 2016
9.00 a.m - 11.00 a.m
( 2 Hours )

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**INSTRUCTION TO STUDENT**

1. This Question paper consists of 6 pages.
2. **PART A** with 10 questions is compulsory.
3. Attempt any **FOUR** out of FIVE questions from **PART B**. All questions carry equal marks and the distribution of the marks for each question is given.
4. Please print all your answers in the Answer Booklet provided.

**PART A: Multiple Choice Questions (10 marks)**

1. To be eligible for a patent, an invention must fall to the categories below **EXCEPT**:
   a. Originality
   b. Utility
   c. Obviousness
   d. Novelty

2. Which of the following services is **NOT** offered by Digital Forensic Lab of CyberSecurity Malaysia?
   a. Alert Internet users in the event of security breach.
   b. Preservation and authentication of electronic evidence.
   c. Internet investigations
   d. Expert witness testimony.

3. _____ is an essential element for the formation of a contract. It may consist of a promise to perform a desired act or a promise to refrain from doing an act that one is legally entitled to do.
   a. Offer
   b. Acceptance
   c. Consideration
   d. Intention to enter legal relation

4. A contract that has not been fully performed by either or both sides is named as _____.
   a. Executed contract
   b. Executory contract
   c. Express contract
   d. Informal contract

5. Which of the followings is **NOT** belonged to the data protection legislation in Malaysia?
   a. Computer Crime Act 1997
   b. Digital Signature Act 1997
   c. Personal Data Protection Bill 2009
   d. Data Protection Act 1998

6. Which type of hackers violates computer security with the intention of causing harm or for personal gain?
   a. White hats
   b. Black hats
   c. Grey hats
   d. Red hats

**Continued...**

7. Which of the below is **NOT** a type of computer fraud?
   a. Data fraud
   b. Program fraud
   c. Email fraud
   d. Input fraud

8. Which of the activities below is **NOT** to be carried out during evidence examination?
   a. Protecting data on the hard drive
   b. Recovering all of the deleted files
   c. Analyzing all possibly relevant data
   d. Print out an overall analysis

9. _____ is a comprehensive legal term that describes the condition of being actually or potentially subject to a legal obligation.
   a. Confidentiality
   b. Liability
   c. Trade secret
   d. Negligence

10. "The 'mother' of cyber law that provides legislative, regulatory and institutional framework to cater for the convergence of the telecommunications, broadcasting and computing industries". This is referred to _____.
   a. Copyright Act 1997
   b. Telemedicine Act 1997
   c. Communications and Multimedia Act 1998
   d. Electronic Government Activities Act 2007

**Continued...**

**PART B: Structural Questions - Choose ONLY FOUR questions to answer (40 marks)**

**Question 1**

a. Cybercrime is increasingly challenging for law enforcement. Describe any **TWO (2)** challenges for the cyber law enforcers. [4 marks]

b. Malaysian Computer Emergency Response Team (MyCert) is one of the core competencies of Cyber Security Malaysia. List the services offered by MyCert. [2 marks]

c. Explain the terms "Patent" and "Trade Marks". [4 marks]

**Question 2**

a. Given the excerpt of contract below, explain when the contract will be legally effective and concluded.

"By placing an Order, you make an offer to us to purchase the Products you have selected on these Terms. We may or may not accept your offer at our discretion. Any Contract is dependent and conditional upon BuyStreet's verification of availability and confirmation of both your Order and your payment details. If we accept your Order, we will notify you of our acceptance by issuing an Order Confirmation. Generally, BuyStreet has 14 days as of the receipt of your placed Order for such verification and confirmation. As long as BuyStreet has not confirmed both of the above mentioned points, BuyStreet is not obliged to provide Products. BuyStreet may in its sole discretion accept or reject orders, or advise you of its inability to process orders."

[2 marks]

b. One of the elements of a valid contract is Acceptance. Is it a must for the acceptance to be validated with a signature of a contract? Elaborate how the acceptance can occur? [2 marks]

c. What is bilateral contract? Illustrate your answer with relevant examples. [2 marks]

d. How can a breach of contract occur? In view of remedies for breach of a contract, what are the **THREE (3)** types of money damages? Briefly explain these money damages. [4 mark]

**Continued...**

## Question 3

a. Alice, who is a famous cake baker in Malaysia, created a custom wedding cake for her customer's wedding party. Later, she discovered an exact copy of her wedding cake photo on the photo-sharing app Instagram. However, that photo was credited to another baker, Jessica in Singapore. Based on the above case, describe what Alice can do to obtain the copyright of her cake design. Where can she charge the case to? [2 marks]

b. Malaysia's Personal Data Protection Act 2010 includes the personal data protection principles. Explain each of the personal data protection principles below: [4 mark]

   i. General principle
   ii. Notice and Choice principle
   iii. Retention principle
   iv. Access principle

c. Name the cybercrime that best describe the following scenarios: [4 marks]

   i. Jimmy harasses Zoe on a daily basis using text messages and emails.
   ii. Jimmy masquerades as David and uses fake e-mail address to send messages to Zoe.
   iii. Jimmy floods MMU.com with useless traffic to inundate and overwhelm network.
   iv. Jimmy illegally installed a program to monitor the information travelling over Zoe's network.

## Question 4

a. Fraud in e-commerce is set to become a major problem. This is due to several reasons. Explain the reasons of e-commerce fraud. [4 marks]

b. There are several types of internet fraud. Explain the differences between multiple bidding and shilling. [3 marks]

c. As a computer forensics expert, the computer crime scene might be considered similar with traditional crime scene. However, it might be different in some circumstances or perspectives. Explain the differences. [3 marks]

**Continued...**

## Question 5

a. Elaborate the term "Liability" from the legal perspective and how liability may arise. [3 marks]

b. What is "Breach of Confidence" Action? List also the **THREE (3)** methods to maintain confidentiality and trade secret. [4 marks]

c. Suggest any **THREE (3)** recommended measures to harmonise laws with cyber laws. [3 marks]

**End of Paper**